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8 **BEFORE THE**  
9 **PHYSICIAN ASSISTANT BOARD**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:  
13 RAMON CASTELLON GONZALEZ, P.A.  
14 11243 Muller Street  
Downey, California 90241  
15 Physician Assistant License No. PA 20804,  
16 Respondent.  
17

Case No. 950-2020-002730

**ACCUSATION**

18 **PARTIES**

19 1. Rozana Khan (Complainant) brings this Accusation solely in her official capacity as  
20 the Executive Officer of the Physician Assistant Board (Board), Department of Consumer Affairs.

21 2. On January 28, 2010, the Board issued Physician Assistant License Number PA  
22 20804 to Ramon Castellon Gonzalez, P.A. (Respondent). That license was in full force and effect  
23 at all times relevant to the charges brought herein and will expire on May 31, 2023, unless  
24 renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.

## **STATUTORY PROVISIONS**

4. Section 3527 of the Code states:

(a) The board may order the denial of an application for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the imposition of probationary conditions upon a PA license after a hearing as required in Section 3528 for unprofessional conduct that includes, but is not limited to, a violation of this chapter, a violation of the Medical Practice Act, or a violation of the regulations adopted by the board.

(b) The board may order the denial of an application for, or the suspension or revocation of, or the imposition of probationary conditions upon, an approved program after a hearing as required in Section 3528 for a violation of this chapter or the regulations adopted pursuant thereto.

(c) The board may order the denial of the application for, or the suspension or revocation of, or the imposition of probationary conditions upon, a PA license, after a hearing as required in Section 3528 for unprofessional conduct that includes, except for good cause, the knowing failure of a licensee to protect patients by failing to follow infection control guidelines of the board, thereby risking transmission of bloodborne infectious diseases from licensee to patient, from patient to patient, and from patient to licensee. In administering this subdivision, the board shall consider referencing the standards, regulations, and guidelines of the State Department of Health developed pursuant to Section 1250.11 of the Health and Safety Code and the standards, regulations, and guidelines pursuant to the California Occupational Safety and Health Act of 1973 (Part 1 (commencing with Section 6300) of Division 5 of the Labor Code) for preventing the transmission of HIV, hepatitis B, and other bloodborne pathogens in health care settings. As necessary, the board shall consult with the Medical Board of California, the Osteopathic Medical Board of California, the Podiatric Medical Board of California, the Dental Board of California, the Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians of the State of California to encourage appropriate consistency in the implementation of this subdivision.

The board shall seek to ensure that licensees are informed of the responsibility of licensees and others to follow infection control guidelines, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission of bloodborne infectious diseases.

(d) The board may order the licensee to pay the costs of monitoring the probationary conditions imposed on the license.

(e) The expiration, cancellation, forfeiture, or suspension of a PA license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

5. Section 3528 of the Code states any proceedings involving the denial, suspension, or revocation of the application for licensure or the license of a PA or the application for approval or the approval of an approved program under this chapter shall be conducted in accordance with

Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

6. Section 2234, of the Code, a part of the Medical Practice Act, states:  
The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

(e) The commission of any act involving dishonesty or corruption that is substantially related to the qualifications, functions, or duties of a physician and surgeon.

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

7. Section 2054 of the Code states, in pertinent part:

(a) Any person who uses in any sign, business card, or letterhead, or, in an advertisement, the words "doctor" or "physician," the letters or prefix "Dr.," the initials "M.D.," or any other terms or letters indicating or implying that he or she is a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, or that he or she is entitled to practice hereunder, or who represents or holds himself or herself out as a physician and surgeon, physician, surgeon, or practitioner under the terms of this or any other law, without having at the time of so doing a valid, unrevoked, and unsuspended certificate as a physician and surgeon under this chapter, is guilty of a misdemeanor.

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8. Business and Professions Code section 2262, a part of the Medical Practice Act, states:

Altering or modifying the medical record of any person, with fraudulent intent, or creating any false medical record, with fraudulent intent, constitutes unprofessional conduct.

In addition to any other disciplinary action, the Division of Medical Quality or the California Board of Podiatric Medicine may impose a civil penalty of five hundred dollars (\$500) for a violation of this section.

9. Section 2261 of the Code, a part of the Medical Practice Act, states:

Knowingly making or signing any certificate or other document directly or indirectly related to the practice of medicine or podiatry which falsely represents the existence or nonexistence of a state of facts, constitutes unprofessional conduct.

10. Section 2266 of the Code, a part of the Medical Practice Act, states:  
The failure of a physician and surgeon to maintain adequate and accurate records relating to the provision of services to their patients constitutes unprofessional conduct.

11. Section 2286 of the Code, a part of the Medical Practice Act, states:

It shall constitute unprofessional conduct for any licensee to violate, to attempt to violate, directly or indirectly, to assist in or abet the violation of, or to conspire to violate any provision or term of Article 18 (commencing with Section 2400), of the Moscone-Knox Professional Corporation Act (Part 4 (commencing with Section 13400) of Division 3 of Title 1 of the Corporations Code), or of any rules and regulations duly adopted under those laws.

## COST RECOVERY

12. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## FACTUAL ALLEGATIONS

13. Starting on or about November 10, 2010 and through the present, Respondent registered a Professional Medical Corporation called MVP Family Practice & Sports Medicine, Inc. (MVP, Inc.). MVP, Inc. is a professional medical corporation incorporated in the State of California and located in Downey, California. Corporate information for MVP, Inc., which was

1 filed with the California Secretary of State, indicates that Respondent, a Physician Assistant,  
2 owns 49% of MVP, Inc. stock, and Dr. Brian Payne, a physician licensed in California, owns  
3 51% of MVP, Inc. stock. Respondent applied for a Fictitious Name Permit from the Medical  
4 Board of California, attesting that Dr. Payne owns 51% of the MVP, Inc.'s shares.

5 14. However, Dr. Payne's ownership of any part of MVP, Inc. is fictitious. When  
6 questioned, Dr. Payne explained that Respondent asked Dr. Payne, who was one of Respondent's  
7 preceptors during training, if Dr. Payne "would be interested in being his medical director  
8 because he wanted to open up a clinic in Downey." During an interview with Medical Board's  
9 investigators, Dr. Payne stated that he owns 51% of MVP, Inc. "by rule." When asked directly  
10 whether Respondent is the owner of the clinic, Dr. Payne stated: "Ray [Respondent] is the owner  
11 of the clinic."

12 15. Respondent is listed as the corporation's CEO, Secretary, and CFO on the corporate  
13 documents filed with the California Secretary of State. According to Dr. Payne, Respondent  
14 appoints all corporate officers at MVP, Inc. Dr. Payne invested no money in MVP, Inc., had no  
15 input into where the clinic was to be located, has no responsibilities in day-to-day operations of  
16 MVP, Inc., has no access to MVP, Inc.'s bank accounts, does not know how MVP, Inc.'s  
17 employees are paid, has no input into MVP, Inc.'s hiring of staff and does not know the  
18 employees' last names. Respondent is the holder of the lease for the premises of MVP, Inc. Dr.  
19 Payne has no input into how MVP, Inc. is advertised, that also being Respondent's responsibility.  
20 MVP, Inc.'s Internet advertising, before it was taken down during the investigation, prominently  
21 featured Respondent but provided no information whatsoever about Dr. Payne. Respondent's  
22 staff and patients refer to Respondent as "Doc" or "Doctor Ray" or "Doctor Gonzalez." Various  
23 Internet reviews advertising MVP, Inc., including purported patient reviews on Yelp.com, refer to  
24 Respondent as "Doctor Ray" or "Doctor Gonzalez" with no correction or clarification from  
25 Respondent.

26 16. Dr. Payne does not see any of the MVP, Inc.'s patients, but signs their charts as  
27 necessary for insurance purposes, or to comply with the Board's supervision requirements, during  
28 a weekly one-hour visit to MVP, Inc. Respondent, and not Dr. Payne, refers MVP, Inc.'s patients

1 to specialists, and Dr. Payne has never seen the practice's provider referral list. Dr. Payne did not  
2 select any of the laboratories used by MVP, Inc. to render patient care. Dr. Payne has no access  
3 to secure medicine and prescription pad storage at MVP, Inc., and is paid a small fixed stipend for  
4 acting as Respondent's supervisor and MVP, Inc.'s Medical Director.

5 17. When asked by the Medical Board's investigators whether he would expect to receive  
6 any proceeds from a potential sale of MVP, Inc., Dr. Payne stated: "I would not get anything out  
7 of it...because I haven't invested anything."

8 **Patient M.L.**

9 18. **Patient M.L.**, a professional boxer, presented to MVP, Inc. on or about February 10,  
10 2020 for a physical examination and routine labs as required by the Nevada State Athletic  
11 Commission pursuant to M.L.'s application for a license to compete as a professional boxer in  
12 that state.

13 19. M.L. was seen at MVP, Inc. and examined by Respondent, though other than the  
14 Nevada Athletic Commission Forms and a laboratory report, no medical record of examination  
15 was made or retained by Respondent. At the completion of the examination, M.L. was asked to  
16 sign the Nevada Athletic Commission's forms and was told that Respondent would handle the  
17 rest. The Nevada Athletic Commission's Physical Examination Reports require a physical exam, a  
18 separate dilated eye examination, and lab tests/serologies. The form specifically requests the  
19 attestation of a licensed physician conducting the physical exam as well as an attestation by the  
20 ophthalmologist conducting the dilated eye exam.

21 20. The Nevada Athletic Commission physical examination form was completed and Dr.  
22 Payne's signature was placed on the form. Dr. Payne denied ever having examined M.L. and  
23 denied signing the form or giving anyone else permission to sign the form on his behalf. Forensic  
24 handwriting examination subsequently ruled out Dr. Payne as the person signing the form but did  
25 state that there were elements to suggest Respondent as the signer. Respondent later admitted to  
26 Dr. Payne that Respondent placed Dr. Payne's signature on M.L.'s physical examination form.

27 21. The dilated eye ophthalmological examination form was completed and a signature of  
28 Maya Shammass, M.D., a licensed physician in the State of California, was added to the form. On

1 the dilated eye examination form, Dr. Shammass was erroneously referred to as an osteopathic  
2 physician, or D.O. She is, in fact, a specialist in ophthalmology, and a licensed medical doctor,  
3 not a doctor of osteopathic medicine. Dr. Shammass denied ever signing the dilated eye  
4 examination form, or giving anyone else permission to sign the form on her behalf, and has no  
5 record of ever seeing patient M.L. Dr. Shammass denied having any professional arrangement  
6 with MVP, Inc. outside of some occasional referrals.

7 22. Respondent did not conduct all of the elements of the physical exam that were  
8 documented as completed, and did not conduct the ophthalmologic exam at all. Yet the physical  
9 examination and ophthalmologic examinations were documented as completed even though the  
10 physicians allegedly signing these forms were not present, did not personally conduct the  
11 examinations and did not provide any authorization to have someone else sign the forms  
12 on their behalf.

13 23. The completed forms, along with the forged doctors' signatures were sent by  
14 Respondent to M.L.'s manager, who forwarded them to the event promotor in Las Vegas, Nevada.  
15 Eventually, the forged forms were submitted to the Nevada Athletic Commission. After  
16 reviewing the forms and attempting to verify their veracity, the Commission had concerns that the  
17 forms contained signature forgeries of the attesting physicians. As a result of the Commission's  
18 concerns, M.L.'s professional boxing license was denied and his scheduled boxing event was  
19 canceled.

### 20 **FIRST CAUSE FOR DISCIPLINE**

21 (Making a False Document Related to Practice of Medicine)

22 24. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
23 disciplinary action under Code section 2261, because:

24 A) Respondent knowingly made or signed a document which falsely represented that  
25 patient M.L. was examined by Dr. Payne;

26 B) Respondent knowingly made or signed a document which falsely represented that  
27 patient M.L. was examined by Dr. Shammass;

1 C) Respondent knowingly submitted a Fictitious Name Permit application to the Medical  
2 Board of California, which falsely indicated that Dr. Payne was 51% owner of MVP., Inc.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Creating a False Medical Record with Fraudulent Intent)

5 25. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
6 disciplinary action under Code section 2262, because:

7 A) Respondent created patient M.L.'s medical record of examination by Dr. Payne,  
8 with fraudulent intent.

9 B) Respondent created patient M.L.'s medical record of examination by Dr. Shammas  
10 with fraudulent intent.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Inadequate and Inaccurate Medical Record Keeping)

13 26. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
14 disciplinary action under Code section 2266, because he failed to keep adequate and accurate  
15 medical records for patient M.L.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Acts of Dishonesty and Corruption)

18 27. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
19 disciplinary action under Code section 2234, subdivision (e), because he engaged in acts of  
20 dishonesty and corruption, as follows:

21 A) By intentionally violating Business and Professions Code section 2286, by creating a  
22 Professional Medical Corporation in which the majority ownership by a licensed physician and  
23 surgeon was fictitious.

24 B) By submitting a Fictitious Name Permit application to the Medical Board of  
25 California, in which Respondent falsely represented that Dr. Payne was the majority  
26 owner of MVP., Inc.

27 C) By forging Dr. Payne's signature on the Nevada Athletic Commission physical  
28 examination form for patient M.L.



1 D) By forging Dr. Shammass's signature on the Nevada Athletic Commission dilated eye  
2 examination form for Patient M.L.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 (Violation of Moscone-Knox Professional Corporations Act)

5 28. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
6 disciplinary action under Code section 2286 in that Respondent violated the provisions of the  
7 Moscone-Knox professional Corporations Act by creating a professional medical corporation in  
8 which the majority ownership by a licensed physician was fictitious.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 (Gross Negligence)

11 29. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
12 disciplinary action under Code section 2234, subdivision (b) in that Respondent was grossly  
13 negligent in his care and treatment of patient M.L., because:

14 A) The manner in which Respondent completed the Nevada Athletic Commission  
15 physical examination form for Patient M.L. was an extreme departure from the standard of care.

16 B) The manner in which Respondent completed the Nevada Athletic Commission  
17 ophthalmological examination for patient M.L. was an extreme departure from the standard of  
18 care.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 (Repeated Negligent Acts)

21 30. As alleged in paragraphs 13 through 23 hereinabove, Respondent is subject to  
22 disciplinary action under Code section 2234, subdivision (c) in that Respondent committed  
23 repeated negligent acts, because:

24 A) The manner in which Respondent completed the Nevada Athletic Commission  
25 physical examination form for Patient M.L. was below the applicable standard of care.

26 B) The manner in which Respondent completed the Nevada Athletic Commission  
27 ophthalmological examination for patient M.L. was below the applicable standard of care.  
28

1 C) Allowing patients and staff to refer to Respondent as “doctor” was below the  
2 applicable standard of care.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct)

5 31. By the virtue of allegations in paragraphs 13 through 23 hereinabove, Respondent is  
6 subject to disciplinary action for unprofessional conduct under Code section 2234, in that  
7 Respondent conducted himself in a manner unbecoming a medical professional.

8 **AGGRAVATING FACTOR**

9 (Prior Discipline)

10 32. To determine the degree of discipline, if any, to be imposed on Respondent,  
11 Complainant alleges that effective on January 25, 2010, in Physician Assistant Committee case  
12 number 1E-2008-190206, entitled *In the Matter of the Statement of Issues Against Ramon*  
13 *Gonzalez*, Respondent’s application for an unrestricted Physician Assistants license was denied.  
14 Instead, Respondent was issued a probationary license for seven years with various terms and  
15 conditions. Respondent’s license was restricted because on July 19, 1999, while employed as an  
16 athletic trainer at Rancho Santa Margarita Catholic High School, in Mission Viejo, California,  
17 Respondent inappropriately touched an 18-year-old female student-athlete. Under the pretext of  
18 performing physical therapy, respondent massaged the student’s legs, arms, shoulders, and  
19 breasts. After being criminally charged, Respondent completed sex offender counseling, and the  
20 charge of sexual battery pending against him at the time was dismissed, and Respondent was  
21 convicted of battery in violation of Penal Code section 242 in Orange County Superior Court on  
22 or about March 5, 2002. Respondent completed his probationary period with the Board in 2017.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Physician Assistant Board issue a decision:

26 1. Revoking or suspending Physician Assistant License Number PA 20804, issued to  
27 Ramon Castellon Gonzalez, PA;  
28

1           2.     Ordering him to pay the Physician Assistant Board the reasonable costs of the  
2 investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3;

4           3.     If placed on probation, ordering him to pay reasonable probation monitoring costs;

5           4.     Taking such other and further action as deemed necessary and proper.  
6

7     DATED: April 26, 2022

*Rozana Khan*

ROZANA KHAN  
Executive Officer  
Physician Assistant Board  
Department of Consumer Affairs  
State of California

*Complainant*

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